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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,016	11/29/2001	Georges Auberger	083114 0277565	3885
758 7590 01/14/2008 FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041			EXAMINER BROWN, RUEBEN M	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 01/14/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/998,016	<b>Applicant(s)</b> AUBERGER, GEORGES	
	<b>Examiner</b> Reuben M. Brown	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 October 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-7,9-13,21,22 and 24-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9-13,21,22 and 24-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/7/2007 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3-7, 9-13, 21-22 & 24-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Liwerant, (U.S. PG-PUB 2005/0246752).

Considering claims 1 & 7, the claimed method of inserting and integrating video data into an existing streaming web page or email digital medium over a communication network, comprising:

‘selecting a transaction for implementing video enabling services into the existing web page or email hosted by a third party’, reads on the user launching the VideoShare Producer 20 software, Para [0036; ; 0038; 0055-0056].

‘transmitting a digital form for a user to complete on a user computing device, to a user on a user computing device’, ‘receiving a completed form’, reads on the login script on the web page that authorizes a user for a session at the VideoShare website, and after the user inputs a username and password, the login values are returned to the host computer 60 to be validated, Para [0055—0057].

‘requesting the video enabling services to load a browser plug-in on the user computing device in response to receiving digital form, wherein the browser plug-in is configured for recording’, reads on the discussion in Liwerant that the VideoShare Producer 20 software is then activated and ready for recording a video image at the user’s location, Para [0058-0059].

‘receiving the video data recorded by the browser plug-in to a media vault’, reads on the discussion in Liwerant that the created audio/video files may be uploaded to a remote server, Para [0041-0044; 0072-0076; 0086-0088].

‘storing a video token into a database, wherein the video token is associated with the video data in the media vault and indicating that the video data is associated with web page or email of the third party displaying the video data’, is met by the teaching in Liwerant that the host computer 60 generates an identification tag that is used to locate the stored video segment(s) for retrieval, Para [0038]. Liwerant goes on to teach that the video segment(s) may be identified by a thumbnail image (which meets the claimed video token), Para [0085; 0103]. Furthermore, Liwerant discloses that he uploaded video segment(s) may be identified to others within a URL of an email, as a regular URL or within an interactive greeting card, Para [0110-0114].

Considering claims 3, 9 & 24, the login script is presented to the user in Liwerant over the Internet, i.e., using a web page, which meets the claimed subject matter.

Considering claims 4, 10 & 25, the browser plug-in VideoShare Producer 20 is used to record data in the software package, see Para [0034; 0039-0040; 0052; 0059-0061].

Considering claims 5, 11 & 26, Liwerant teaches that the input content may be live video, and discloses a video camera as a capture device; see Para [0034-0035; 0059].

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Considering claims 6, 13 & 27, the purpose of the identification tag associated with the uploaded video is for uniquely identifying the video data, when in storage.

Considering claim 12, see Liwerant Para [0059; 0070].

Considering claims 21 & 28, the claimed subject matter reads on the user accessing the stored video data, and having it streamed for playback, which is one of the purpose of VideoShare website. For instance, the reference teach that files may be accessed using the Internet, using its associated URL and/or alternatively accessed for the purpose of editing, see Abstract; Para [0037; 0045; 0049; 0110].

Considering claim 22, the claimed computer program product for inserting and integrating video data into an existing streaming web page or email, comprises features that correspond with subject matter mentioned above in the rejection of claims 1 & 7 and are likewise analyzed. As for the claimed 'computer program product', Liwerant is completely computerized and thus the VideoShare Producer 20 and other control software located at the VideoShare host server 60 meets the claimed subject matter.

### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Tipirneni; Watanabe Teach uploading images to a networked server, using plug-in.

B) Parasnis; Moynihan User created presentations uploaded to central server.

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**Any response to this action should be mailed to:**

Commissioner for Patents  
P.O. Box I450  
Alexandria, VA 22313-I450  
[www.uspto.gov](http://www.uspto.gov)

**or faxed to:**

(571) 273-8300, (for formal communications intended for entry)

**Or:**

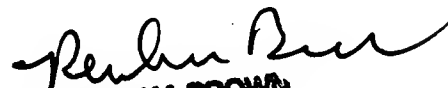
(571) 273-7290 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F(8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown

  
**REUBEN M. BROWN**  
**PATENT EXAMINER**